

Appl. No. 10/552,315
Amdt. dated May 14, 2008
Reply to Office action of February 14, 2008

REMARKS

Reconsideration is respectfully requested. Claims 1 and 2 are present in the application and are amended herein

Claims 1 and 2 are rejected under 35 USC §112. Applicant thanks the Examiner for providing suggested wording regarding how the Examiner is interpreting the claim. The amendments herein take this into account.

Claim 1 is rejected under 35 USC §101. Claim 2 is rejected under 35 USC §102(b) as being anticipated by INTSTITUT MEDIKO-BIOLOGICHESKIKH PROBLEM.

Applicant respectfully traverses.

The Examiner asserts that for the person skilled in art it is possible initially to assume the presence of antidepressant activity at any substance - any derivative of pirrolidone. However, there are no bases for such assumption not only for persons having ordinary skill in the art, but also for high experienced ones as there are no confirmations and proofs in existing sources of the information and the said examiner's assertions are groundless. Opposing WO 01/62726 and RU 2050851 is not correct as presence or the assumption of presence of an antidepressant activity of substance N-carbamoyl-4-phenyl-2-pirrolidone does not result from these sources of the information. Applicants are not aware of any sources of the information, which would specify that presence of anticonvulsant,

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nootropic, antihypoxic activities of substance, or its influence on impellent reactions by «the open field» technique, proves usage or gives the basis to assume presence of antidepressant activity of this substance. The opposed source of information WO 01/62726 itself denies the examiners assertion. Therefore, in examples of 8 and 9 of Specification, activity according to tests is revealed not in all substances applied in claims 1-360 (p.67-81). Hence, it is impossible to judge a priori or to assume a priori and furthermore to use a priori any substances without the proof of presence of any activity in them. The subject of invention applied in claims 1-39 does not concern, in part of pharmacological and nosological activities, to substances according to claims 1-7, 21, 24-26, 28, 29, 34-37, 39, 42, 44, 45, 48, 50-63, 65-70, 74, 76-80, 82, 84, 85, 89-91, 94, 97, 99, 101, 102, 104, 106-109, 111-118, 120-126, 128-141, 143-145, 146-148, 150, 153-155, 160-162, 167, 168, 172, 177-179, 182-184, 186, 187-184, 199, 202, 203, 206, 208, 210, 216-218, 220, 227, 230-233, 235-249, 253-263, 266, 268-303, 305, 307-349, 352-360 (the Example 8, p. 86-87) and less compounds in example 9 (p. 87-88), including substance according to claim 2 (p. 67).

Indissolubility of substance with its properties is a priori supposed only regarding its physical and chemical properties under condition that this substance is known and therefore its physical and chemical properties are known, that in its turn enables carrying out of its chemical identification and

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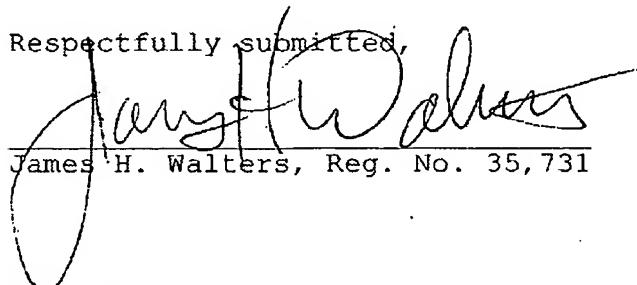
confirmation of its chemical authenticity, and also cleanliness of this substance. No substance or its compositions have value and inventive level in areas of pharmacy, pharmacology and medicine without revealing and estimation of its pharmacological and nosological effects. Revealing and estimation of new effects expands opportunities of industrial application with the purpose to expand the areas of medical use and render of higher level of medical aid at various illnesses.

Accordingly, it is respectfully submitted that the claims are allowable.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that no further fees are due with this filing or that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending, please charge deposit account 503036. If fee refund is owed, please refund to deposit account 503036.

Respectfully submitted,


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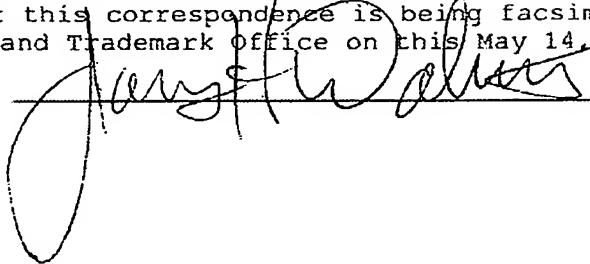
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